

**Introduced by Senator Bowen**

December 6, 2004

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An act to add ~~Section~~ Sections 12154 and 85303.5 to the Government Code, relating to the ~~Political Reform Act of 1974~~ elective office.

LEGISLATIVE COUNSEL'S DIGEST

SB 11, as amended, Bowen. Contributions: voting equipment manufacturers or vendors.

*Existing law prohibits a state officer or employee from engaging in activities that are inconsistent, incompatible, or in conflict with, or inimical to, his or her duties as a state officer or employee, and places other specified restrictions on the political activities of public employees.*

*This bill would prohibit the Secretary of State, or a candidate for Secretary of State, from serving as an officer of any political party or partisan organization, or supporting or opposing any candidate for public office or any ballot measure. It would state that this prohibition shall not be construed to prohibit an individual from seeking election or reelection to the office of the Secretary of State, or to prohibit the Secretary of State from seeking election to any other public office.*

The Political Reform Act of 1974 places certain restrictions on the amount of campaign contributions that ~~an individual or group may make to a candidate~~ *specified individuals or groups may make to candidates for elective office, and that the candidates for elective office may accept from those individuals or groups.*

*This bill would additionally prohibit a manufacturer or vendor of voting equipment or systems, or his or her agent, from making to a candidate for elective state or local office, and a candidate for elective*

*state or local office from accepting—any contribution from a manufacturer or vendor of voting equipment or systems, or his or her agent, any contribution.*

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate ~~the provisions of this bill~~ *these contribution prohibitions.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a  $\frac{2}{3}$  vote.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1    *SECTION 1. Section 12154 is added to the Government*  
2    *Code, to read:*  
3    *12154. Notwithstanding Section 3208, the Secretary of State,*  
4    *or a candidate for Secretary of State, shall not serve as an officer*  
5    *of any political party or partisan organization, and shall not*  
6    *support or oppose any candidate for public office or any ballot*  
7    *measure. However, this prohibition shall not be construed to*  
8    *prohibit an individual from seeking election or reelection to the*  
9    *office of the Secretary of State, or to prohibit the Secretary of*  
10    *State from seeking election to any other public office.*

11    ~~SECTION 1.~~

12    *SEC. 2. Section 85303.5 is added to the Government Code, to*  
13    *read:*

14    ~~85303.5. A candidate for elective state or local office shall~~  
15    ~~not accept any contribution from a~~ *No manufacturer or vendor of*

1 voting equipment or systems, *or his or her agent, shall make to a*  
2 *candidate for elective state or local office, and no candidate for*  
3 *elective state or local office shall accept from a manufacturer or*  
4 *vendor of voting equipment or systems, or his or her agent, any*  
5 *contribution.*

6 ~~SEC. 2.~~

7 SEC. 3. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the  
12 penalty for a crime or infraction, within the meaning of Section  
13 17556 of the Government Code, or changes the definition of a  
14 crime within the meaning of Section 6 of Article XIII B of the  
15 California Constitution.

16 ~~SEC. 3.~~

17 SEC. 4. The Legislature finds and declares that the provisions  
18 of this act further the purposes of the Political Reform Act of  
19 1974 within the meaning of subdivision (a) of Section 81012 of  
20 the Government Code.